

REMARKS

The outstanding Office Action addresses and rejects claims 1-8 and 16-24. Nonelected claims 9-15 and 25-27 have been canceled.

Claims Rejections – 35 U.S.C. §112

Claim 24 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Examiner states that the phrase “by cells or cell types” renders the claim indefinite because it is not clear what are the cells or cell types involved in the claim.

Any confusion created by this claim is obviated by deleting the phrase “such that ... cell types.” This amendment clarifies any possible confusion and in no way should be interpreted as narrowing the scope of independent claim 24.

Double Patenting Rejections

Claims 1-8 and 16-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of copending Application No. 09/747,488. Applicants submit herewith a terminal disclaimer with this response to overcome this rejection.


Claims 1, 2, 7, and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8, 10, and 12 of copending Application No. 10/320,751. Applicants submit herewith a terminal disclaimer with this response to overcome this rejection.

Conclusion

Applicants believe the Application is now in condition for allowance. The Examiner is urged to telephone the undersigned attorney for Applicants in the event that such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

By 

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